



Docket No.: Safdeye/ESO

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450; Alexandria, VA 22313-1450, on

May 14, 2004

(date)

Lori G. Witkin

In re: Application of: Michael SAFDEYE

Serial No. : 09/991,474

Group Art Unit: 1732

Filed : November 21, 2001

Examiner: E. Lee

For : SHOE HAVING A FABRIC OUTSOLE AND  
MANUFACTURING PROCESS THEREOF AND  
SYSTEM FOR CUSTOMIZED ORDERING THEREOF

New York, New York  
May 14, 2004

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In order to comply with 37 C.F.R. §1.97 and §1.98, enclosed herewith is Form

PTO-1449 with a copy of the references listed.

05/18/2004 SDEMB01 00000124 09991474

01 FC:1806

180.00 OP

The undersigned is also enclosing an English language translation of each of the foreign language documents identified. It is believed that the applicants have therefore met the "concise explanation" requirement of 35 C.F.R. §1.98.

The patents listed on Form PTO-1449 were cited in corresponding Chinese and Taiwanese prosecutions in related cases.

The non-patent literature documents were provided to applicants by an adverse party that is attempting to invalidate U.S. Patent No. 6,430,844 in litigation. Applicants submit these materials, as well as Customs rulings that were discovered by applicants while investigating this matter in an abundance of caution so that the Examiner is fully aware of any potential prior art.

In accordance with MPEP §609 and §707.05(b), it is requested that each document cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing Form PTO-1449 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present information disclosure statement is being submitted in compliance with 37 C.F.R. §1.56, but the citation of each document is not to be construed as an

admission that each document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a) and in the course of such search, will review for relevance every document cited on the enclosed form even if not initialed.

Wherefore, early and favorable consideration is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

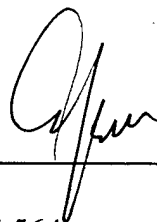
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Alan Israel

Reg. No. 27,564

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State for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

**Complete if Known**

<b>Application Number</b>	<b>09/991,474</b>
<b>Filing Date</b>	<b>November 21, 2001</b>
<b>First Named Inventor</b>	<b>Michael SAFDEYE</b>
<b>Group Art Unit</b>	<b>1732</b>
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	<b>SAFDEYE/ESO</b>

Sheet	1	of	2
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## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☐

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

## Complete if Known

Application Number	09/991,474
Filing Date	November 21, 2001
First Named Inventor	Michael SAFDEYE
Group Art Unit	1732
Examiner Name	
Attorney Docket Number	SAFDEYE/ESO

Sheet 2 of 2

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Agent's confirmation (with unverified translation) for Purchase Order No. 65113 to be delivered March 26, 1999 for "Chenille Slipper, White TPR with Canvas Wrap Sole".	
		Color pictures of chenille slipper allegedly corresponding to Purchase Order No. 65113, slippers including a hang tag, and an image of the alleged hang tag including handwritten and unverified translations into English.	
		Weisner Purchase Orders No. 11051 and No. 11052 for ladies clogs with open knit collar, Style No. 9122Navy and No. 9122Burg, respectively (March 29, 1999).	
		Agent's confirmations showing Purchase Order No. 11051 and No. 11052 and the delivery date of July 15, 1999 in English (2 pages).	
		New York Ruling D89353 on behalf of Weisner Products, Inc. (April 21, 1999; 2 pages).	
		New York Ruling E86018 on behalf of Weisner Products, Inc. (September 13, 1999; 2 pages).	
		Copy of Complaint No. 4:03CV00774TCM.	
		Copy of Dority & Manning letter, June 3, 2003.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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